

§ 301.64-6

and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict to any material fact, a hearing shall be held to resolve such conflict. Rules of Practice concerning such a hearing will be adopted by the Deputy Administrator.

[48 FR 54580, Dec. 6, 1983, as amended at 66 FR 21051, Apr. 27, 2001]

§ 301.64-6 Compliance agreement and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of regulated articles under this subpart.⁶ The compliance agreement shall be a written agreement between a person engaged in such a business and Plant Protection and Quarantine, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(b) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefore shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Deputy Administrator shall

⁶Compliance Agreement forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236, and from local offices of the Plant Protection and Quarantine. (Local offices are listed in telephone directories).

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grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of Practice concerning such a hearing will be adopted by the Deputy Administrator.

[48 FR 54580, Dec. 6, 1983, as amended at 59 FR 67608, Dec. 30, 1994]

§ 301.64-7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.64-5(c)), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector⁷ to take any necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart.

[48 FR 54580, Dec. 6, 1983, as amended at 59 FR 67608, Dec. 30, 1994]

§ 301.64-8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at the times during such movement, shall be securely attached to the outside of the containers containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document; *Provided however*, That the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy

⁷Inspectors are assigned to local offices of Plant Protection and Quarantine which are listed in telephone directories. Information concerning such local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

of the waybill or other shipping documents only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.64–9 Costs and charges.

The service of the inspector shall be furnished without cost. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

§ 301.64–10 Treatments.

Treatments for regulated articles must be one of the following:

(a) *Apple, grapefruit, orange, pear, plum, pomegranate, quince, and tangerine.* Cold treatment in accordance with the PPQ Treatment Manual. For the full identification of this standard, see § 300.1 of this chapter, “Materials incorporated by reference”.

(b) *Soil within the dripline of plants that are producing or that have produced fruits listed in § 301.64–2(a).* Remove host fruits from host plants prior to treatment. Using ground equipment, drench the soil under the host plants with 5 lb a.i. diazinon per acre (0.12 lb or 2 oz avdp per 1,000 ft²) mixed with 130 gal of water per acre (3 gal per 1,000 ft²). Apply at 14- to 16-day intervals as needed. Repeat applications if infestations become established. In addition to the above, follow all label directions for diazinon.

(c) *Premises.* A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with either malathion or spinosad bait spray. These treatments must take place at 6-to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Mexican fruit fly. Determination of the time period must be based on the day degrees model for

Mexican fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 oz of technical grade malathion and 9.6 oz of protein hydrolysate per acre. The spinosad bait spray treatment must be applied by aircraft or ground equipment at a rate of 0.01 oz of a USDA-approved spinosad formulation and 48 oz of protein hydrolysate per acre. For ground applications, the mixture may be diluted with water to improve coverage.

(d) *Grapefruit and oranges.* Methyl bromide in accordance with the PPQ Treatment Manual.

(e) *Grapefruit, oranges, and tangerines.* High-temperature forced air in accordance with the PPQ Treatment Manual.

(f) *Citrons, litchis, longans, persimmons, and white zapotes.* Cold treatment in accordance with the PPQ Treatment Manual (for full identification of this standard, see § 300.1 of this chapter, “Materials incorporated by reference”) and in accordance with the following schedule:

Treatment	Exposure period
33 °F or below	18 days.
34 °F or below	20 days.
35 °F or below	22 days.

[63 FR 68164, Dec. 10, 1998, as amended at 64 FR 37665, July 13, 1999; 64 FR 71270, Dec. 21, 1999]

Subpart—Plum Pox

SOURCE: 65 FR 35264, June 2, 2000, unless otherwise noted.

§ 301.74 Restrictions on interstate movement of regulated articles.

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.¹

[65 FR 35264, June 2, 2000, as amended at 66 FR 21051, Apr. 27, 2001]

¹Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine,

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